

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LYNNE D. PANTING, PERSONAL
REPRESENTATIVE of the ESTATE
of RONALD B. PANTING,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

8:19-CV-317

ORDER TO SHOW CAUSE

Two motions relating to evidence are pending before the Court: The plaintiff's motion to exclude or limit opinions of William Baumheuter ([filing 112](#)), and the government's motion to strike the plaintiff's allegedly untimely expert reports ([filing 129](#)). But the parties are currently engaged in supplementary discovery relating to the stall warning switch. *See* [filing 34](#).

Baumheuter's proffered opinions relate specifically to the condition of the stall warning switch. *See* [filing 112-3](#). And Baumheuter specifically reserved the right to revise or amend his opinions if new information was discovered or provided. [Filing 112-3 at 34](#). The plaintiff's purportedly untimely supplemental expert reports also relate, in part, to the functionality of the stall warning system. *See* [filing 120-6](#); [filing 120-6](#). It's also not clear to the Court whether the timeliness of the plaintiff's disputed expert reports—or any resulting prejudice—might have been affected either by the reopening of discovery or the denial of the motion for summary judgment in opposition to which the supplemental reports were proffered. *See* [filing 130](#).

In other words, it appears to the Court that the parties' pending motions might have been mooted by events. But before denying the motions as such,

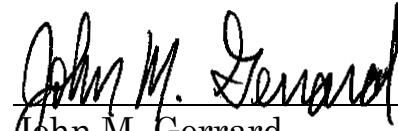
the Court will provide the parties with an opportunity to address that question.¹ Accordingly,

IT IS ORDERED:

1. On or before February 7, 2023, the parties shall show cause, by simultaneous briefing, why their pending motions ([filing 112](#); [filing 129](#)) should or should not be denied as moot.
2. The Clerk of the Court shall set a show cause deadline for February 7, 2023.

Dated this 24th day of January, 2023.

BY THE COURT:



John M. Gerrard
United States District Judge

¹ Of course, even if the *pending* motions are moot, the parties may reassert their objections (to the extent they remain viable) after supplemental discovery is complete.